

ALAN B. YUTER (Admitted Pro Hac Vice)  
ERIC S. POWERS  
NEVADA BAR NO. 12850  
SELMAN BREITMAN LLP  
3993 Howard Hughes Parkway, Suite 200  
Las Vegas, NV 89169-0961  
Telephone: 702.228.7717  
Facsimile: 702.228.8824  
Email: ayuter@selmanlaw.com  
epowers@selmanlaw.com

Attorneys for Plaintiff SCOTTSDALE  
INSURANCE COMPANY

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

SCOTTSDALE INSURANCE COMPANY,

Plaintiff,

v.

8FORCE ASSETS, LLC; ARPAD BARON,  
individually; ALBA BARON, individually;  
LUCY BARON-DONNELLY, individually;  
BRENDA BARON-MOLLMANN,  
individually; LASANDRA WEATHERS,  
individually and as the Natural Mother of  
JADA RAY, a Minor; CHARLES SMITH and  
DORIS SMITH, individually and as Guardians  
Ad Litem for IYANA BANKSTON-WRIGHT,  
a Minor; CHARLES SMITH, individually and  
as Special Administrator of the Estate of  
DIANA ROSE BANKSTON; DEBORAH  
BARBEE-MARTIN, individually and as  
Special Administrator for the Estates of  
KAYSHA L. RAY and ANDREW RAY;  
DONALD R. LAINER, individually;  
PLATINUM ELITE, LLC; and DOES 1  
through 10,

Defendants.

Case No. 2:17-cv-02036-APG-GWF

**STIPULATION AND ORDER TO AMEND  
PLEADINGS TO ADD PARTIES**

COMES NOW, Alan B. Yuter and Eric S. Powers of Selman Breitman LLP, attorneys for  
plaintiff Scottsdale Insurance Company ("Scottsdale"); Ian Corzine of West Corzine LLP and  
Anthony B. Golden of Garg Golden Law Firm, attorneys for defendants 8Force Assets, LLC,

1 Arpad Baron, Alba Baron, Lucy Baron-Donnelly and Brenda Baron-Mollmann; Christopher J.  
2 Richardson of Olson, Cannon, Gormley, Angulo & Stoberski, and Darren J. Welsh of Welsh Law  
3 attorneys for Donald R. Lainer and Platinum Elite, LLC (collectively, "Defendants"); and hereby  
4 stipulate and agree to amend the pleadings to add 8Force Holdings, LLC and Americana, LLC dba  
5 Berkshire Hathaway Home Service Nevada Property as defendants.

6 Scottsdale's Complaint

7 On or about January 19, 2017, a fire occurred at the Westlake Apartments located at 801  
8 W. Lake Mead Blvd., Las Vegas Nevada 89106. Scottsdale filed the instant action alleging causes  
9 of action for 1) Fraud; 2) Declaratory Relief; 3) Material Misrepresentation; 4) Rescission and  
10 Restitution; and 5) Unjust Enrichment. Scottsdale seeks a declaration that it has no duty to defend  
11 or indemnify defendants 8Force Assets, LLC or its members, Arpad Baron, Alba Baron, Lucy  
12 Baron – Donnelly, and Brenda Baron – Mollmann, or the property manager defendants Donald  
13 Lainer or Platinum Elite LLC against liability claims arising from the January 19, 2017 fire.

14 8Force Holdings, LLC has the same ownership as 8Force Assets, LLC and Americana,  
15 LLC is similarly situated with Platinum Elite, LLC and Donald Lainer.

16 The Underlying Case

17 On or about June 8, 2017, Charles Smith and Doris Smith, Guardians Ad Litem for  
18 deceased Iyana Bankston Wright and Charles Smith, as Special Administrator of the Estate of  
19 deceased Diana Bankston (collectively, the "Underlying Plaintiffs") filed a liability complaint in  
20 the Eighth Judicial District Court, District of Nevada, Case No. A-17-756649-C ("Underlying  
21 Case"), which names the Defendants herein as defendants, as well as 8Force Holdings, LLC  
22 ("8Force Holdings") as a defendant.

23 On or about September 26, 2017, the Underlying Plaintiffs filed their First Amended  
24 Complaint naming Berkshire Hathaway Homeservice Nevada Property as a defendant.

25 On or about October 6, 2017, the Underlying Plaintiffs filed their Second Amended  
26 Complaint amending Berkshire Hathaway Homeservice Nevada Property to Americana, LLC  
27 d/b/a Berkshire Hathaway Homeservice Nevada Property ("BHHS") as a defendant. The second  
28 amended complaint is attached as Exhibit A hereto.

Joinder of Defendants in the Underlying Case

The parties hereby stipulate that pursuant to FRCP 19, 8Force Holdings and BHHS are interested parties to this case as this Court's decisions regarding whether Scottsdale owes a duty of coverage could affect Scottsdale's obligations, if any with respect to 8Force Holdings and BHHS in the Underlying Case.

The parties further stipulate that the answer of 8Force Assets, LLC to Scottsdale's Complaint in this action may be considered filed on behalf of both of 8Force Assets, LLC and 8Force Holdings, LLC. The answer of Donald Lainer and Platinum Elite, LLC may be considered filed on behalf of Donald Lainer, Platinum Elite, LLC and Americana, LLC dba Berkshire Hathaway Home Service Nevada Property.

Excusable Neglect

Good cause and excusable neglect exist to allow the parties to amend the pleadings and add parties because Scottsdale was unaware of the existence of 8Force Holdings or BHHS until each were revealed during recent depositions of 8Force and the FRCP 30(b)(6) witness for Platinum Elite, LLC respectively. Furthermore, Scottsdale was unaware of the relationship between BHHS and Platinum Elite, LLC until the same was revealed throughout the deposition FRCP 30(b)(6) witness for Platinum Elite, LLC. Both 8Force Holdings and BHHS are interested parties to this case because they are named defendants in the Underlying Case. BHHS was not added as a party in the Underlying Case until after Scottsdale filed its Complaint herein.

This Court's decisions will affect Scottsdale's coverage obligations (if any) in the Underlying Case. Adding these parties will not necessitate an extension of the discovery deadlines or any of the other deadlines set by this court. There will not be an undue delay or burden to any party. Accordingly, the parties respectfully request that the instant stipulation to amend the pleadings and add parties be granted.

1 DATED: March 7, 2018

SELMAN BREITMAN LLP

2  
3 By: /s/ Eric S. Powers  
4 ALAN B. YUTER (Pro Hac Vice)  
5 ERIC S. POWERS  
6 NEVADA BAR NO. 12850  
7 3993 Howard Hughes Parkway, Suite 200  
8 Las Vegas, NV 89169-0961  
9 Phone: 702.430.5902  
10 Facsimile: 702.228.8824  
11 Attorneys for Plaintiff SCOTTSDALE  
12 INSURANCE COMPANY

13 DATED: March 7, 2018

WEST CORZINE LLP

14 By: /s/ Ian Corzine  
15 IAN CORZINE (Pro Hac Vice)  
16 250 N. Westlake Blvd., Suite 100  
17 Westlake Village, CA 91362  
18 Telephone: 805.388.5887  
19 Facsimile: 805.370.1613  
20 Attorneys for Defendants 8FORCE ASSETS,  
21 LLC; ARPAD BARON; ALBA BARON; LUCY  
22 BARON-DONNELLY; and BRENDA BARON-  
23 MOLLMANN

24 DATED: March 7, 2018

GARG GOLDEN LAW FIRM

25 By: /s/ Anthony B. Golden  
26 ANTHONY B. GOLDEN  
27 NEVADA BAR NO.  
28 3185 St. Rose Parkway, Suite 325  
Henderson, NV 89052  
Telephone: 702.850.0202  
Facsimile: 702.850.0204  
Attorneys for Defendants 8FORCE ASSETS,  
LLC; ARPAD BARON; ALBA BARON; LUCY  
BARON-DONNELLY; and BRENDA BARON-  
MOLLMANN

1 DATED: March 7, 2018

OLSON, CANNON, GORMLEY, ANGULO &  
STOBERSKI

2  
3 By: /s/ Christopher J. Richardson  
4 CHRISTOPHER J. RICHARDSON  
5 NEVADA BAR NO. 9166  
6 9950 W. Cheyenne Avenue  
7 Las Vegas, NV 89129  
8 Telephone: 702. 384.4012  
9 Facsimile: 702. 383.0701  
10 Attorneys for defendants DONALD R. LAINER  
11 and PLATINUM ELITE, LLC

12 DATED: March 7, 2018

WELSH LAW

13 By: /s/ Daren J. Welsh  
14 DARREN J. WELSH  
15 NEVADA BAR NO. 4791  
16 6765 S. Eastern Avenue, Suite 2  
17 Las Vegas, NV 89119  
18 Telephone: 702. 733.9310  
19 Facsimile: 702. 862.4576  
20 Attorneys for Defendants DONALD R. LAINER  
21 and PLATINUM ELITE, LLC

22 DATED: March 7, 2018

COTTLE LAW FIRM

23 By: /s/ Matthew G. Holland  
24 MATTHEW G. HOLLAND  
25 NEVADA BAR NO. 10370  
26 8635 S. Eastern Avenue  
27 Las Vegas, NV 89123  
28 Telephone: 702. 722.6111  
Facsimile: 702. 834.8555  
Attorneys for Defendants CHARLES SMITH and  
DORIS SMITH

**ORDER**

IT IS HEREBY ORDERED that the parties' Stipulation and Order to Amend the Pleadings and Add Parties is hereby GRANTED as 8Force Holdings, LLC and Americana, LLC are interested parties under FRCP 19.


IT IS FURTHER ORDERED that the answer of 8Force Assets, LLC may be amended to

1 include 8Force Holdings, LLC as an answering party.

2 IT IS FURTHER ORDERED that the answer of Platinum Elite, LLC and Donald Lainer  
3 may be amended to include Americana, LLC as an answering party.

4 IT IS FURTHER ORDERED that Scottsdale shall file its Amended Complaint within  
5 fifteen (15) days of entry of this Order.

6  
7 DATED: March 8, 2018

  
8 ANDREW P. GORDON, JUDGE OF THE  
9 UNITED STATES DISTRICT COURT  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28